

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

BILLY KEITH ELLISON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:21-CV-439-WKW-KFP
)	
STATE OF ALABAMA, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On August 18, 2021, the Court denied Plaintiff's Motion for Leave to Proceed in Forma Pauperis, ordered him to pay the civil filing in full by September 1, 2021, and cautioned that a failure to pay the filing fee may result in dismissal for failure to prosecute and abide by court orders. Doc. 5. Plaintiff has failed to pay the required filing fee despite this warning; therefore, the undersigned concludes this case is due to be dismissed without prejudice. *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (stating that dismissal for failure to obey a court order is generally not an abuse of discretion where a litigant has been forewarned); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–31 (1962) (acknowledging that the authority of courts to impose sanctions for failure to prosecute or obey orders is longstanding and empowers courts “to manage their own affairs so as to achieve the orderly and expeditious disposition of cases”); *Mingo v. Sugar Cane Growers Co-Op of Fla.*, 864 F.2d 101, 102 (11th Cir. 1989) (holding that a district court “possesses the inherent power to police its docket” and that “sanctions imposed [on dilatory litigants] can range from a simple reprimand to an order dismissing the action with or without

prejudice”). Accordingly, the Magistrate Judge RECOMMENDS that this case be DISMISSED without prejudice for Plaintiff’s failure to prosecute and comply with court orders.

Further, it is ORDERED that by **September 23, 2021**, the parties may file objections to this Recommendation. The parties must specifically identify the factual findings and legal conclusions to which objection is made. Frivolous, conclusive, or general objections will not be considered by the Court. The parties are advised that this Recommendation is not a final order and, therefore, is not appealable.

Failure to file written objections to the Magistrate Judge’s findings and recommendations in accordance with 28 U.S.C. § 636(b)(1) will bar a party from a de novo determination by the District Court of legal and factual issues covered in the Recommendation and waive the right of the party to challenge on appeal the District Court’s order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except on grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-1. *See Stein v. Reynolds Sec., Inc.*, 667 F.2d 33 (11th Cir. 1982); *see also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc).

Done this 9th day of September, 2021.

/s/ Kelly Fitzgerald Pate

KELLY FITZGERALD PATE

UNITED STATES MAGISTRATE JUDGE